

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
AT SPOKANE

## PACIFIC COAST TRAILERS, LLC

Plaintiff,

V.

COZAD TRAILER SALES, LLC., a limited liability company, TOM PISTACCHIO and DELORES PISTACCHIO, and their marital community,

## Defendants.

CIVIL NO. CV-10-111-EFS

**DECLARATION OF TOM  
PISTACCHIO IN OPPOSITION TO  
DEFENDANTS' OPPOSITION TO  
PLAINTIFF'S MOTION FOR  
PRELIMINARY INJUNCTION**

Date: August 25, 2010

Time: 3:00 p.m.

Judge: Edward F. Shea,

Place: Spokane, Courthouse

I, Tom Pistacchio, declare:

1. I am over the age of eighteen (18) years and I am the Managing Member of Cozad Trailer Sales, LLC (“Cozad”). I am competent to testify and would testify to the following facts, which are within my personal knowledge.

2. Attached hereto as Exhibits 1 and 2 are true and correct copies of the Assignment of the Sturdyweld, Comet and Alloy Trademarks from Reliance Trailer Co, LLC and Sterling Savings Bank, and Sterling Savings Bank to Cozad. Attached hereto as Exhibit 3 are true and correct copies of the Notices of Recordation from the US Patent and Trademark Office.

1 3. Attached hereto as Exhibit 4 is a true and correct copy of what appears to be a "draft"  
2 Schedule B with regard to the filing of Reliance Trailer Co., LLC's bankruptcy. The documents  
3 attached as Exhibit 4 were found by my staff in the files and material of Reliance LLC at the  
4 Geiger Boulevard location, during the period of time we were itemizing and cataloging assets for  
5 sale and auction in April of 2010.

6 4. Cozad has spent over \$300,000 already in costs and capital in purchasing and preparing  
7 to market the "Reliance" trademark. Cozad is prepared to actively market the "Reliance" name  
8 and has the existing infrastructure and customer base to do so as part of its current operations.  
9 Cozad anticipates that its continued development of the "Reliance" trademark and name could be  
10 worth several hundred thousand dollars in the future. The longer the "Reliance" trademark is  
11 tied-up, the more it will diminish its value. Cozad believes it stands to lose hundreds of  
12 thousands of dollars, if not millions of dollars, over the next few years if the "Reliance"  
13 trademark is not properly marketed.

14 I declare under penalty of perjury under the laws of the State of Washington that the  
15 foregoing is true and correct.

16 Executed this \_\_\_\_\_ day of August 2010 at Fresno, California.

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19 TOM PISTACCHIO

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